



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,968	12/31/2001	Rajendran S. Michael	24975A	2158

22889 7590 03/26/2004

OWENS CORNING
2790 COLUMBUS ROAD
GRANVILLE, OH 43023

EXAMINER

BOYD, JENNIFER A

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/038,968

Applicant(s)

MICHAEL ET AL.

Examiner

Jennifer A Boyd

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 10-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>Nov. 21, 2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Applicant's Amendments and Accompanying Remarks, filed January 15, 2004, have been entered and have been carefully considered. Claim 7 is amended, claims 10 – 14 are withdrawn and claims 1 – 9 are pending. In view of the Applicant's Amendment, the Examiner withdraws the 35 U.S.C. 112, 2nd paragraph rejection of claim 7 as set forth in paragraphs 6- 8 of the previous Office Action dated September 25, 2003. Despite this advance, the invention as currently claimed is not found to be patentable for reasons herein below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claims 1 - 3, 5 – 7 and 9 are rejected under 35 U.S.C. 102(a) as being anticipated by Tilton et al. (US 2003/0008581 A1). The details of the rejection can be found in paragraphs 9 – 10 of the previous Office Action dated September 25, 2003. The rejection is maintained.

In response to Applicant's amendment to claim 7, Tilton teaches that the composite can further comprise an *insulating portion* 14 (page 3, [0039] and see Figure 4). The Examiner equates the *insulating portion* 14 to the "second lofted area". The thickness of the *insulating portion* 14, or "second lofted area", is not directly disclosed. However, by examining Figure 4, one can see that the insulating portion is much thicker than any other layer in the composite. The thickness of the "second lofted area" is equated to Applicant's "first thickness of a first

Art Unit: 1771

dimension” and “second thickness of a second dimension”. The *skin* 16, equated to Applicant’s “second compacted area”, has a thickness of 0.25 – 10.0 mm (page 3, [0034]). The thickness of the “second compacted area” is equated to Applicant’s “third thickness of a third dimension”. In summary, the *insulating portion* 14, or “second lofted area”, is the thickest layer in the composite.

Claim Rejections - 35 USC § 103

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tilton et al. (US 2003/0008581 A1) in view of Val (US 3,822,764). The details of the rejection can be found in paragraphs 11 - 12 of the previous Office Action dated September 25, 2003. The rejection is maintained.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tilton et al. (US 2003/0008581 A1). The details of the rejection can be found in paragraph 13 of the previous Office Action dated September 25, 2003. The rejection is maintained.

Response to Arguments

6. Applicant's arguments filed January 15, 2004 have been fully considered but they are not persuasive.

7. In response to Applicant’s argument that Tilton et al. (US 2003/0008581) is an improper reference, the Examiner respectfully argues the contrary. The Applicant correctly indicates that Tilton et al. (US 2003/0008581) was filed on May 31, 2002. *However*, Tilton et al. (US 2003/0008581) also claims priority from provisional Application 60/295,433, which was filed on

Art Unit: 1771

June 1, 2001. The present invention was filed on December 31, 2001, which was **after** the priority date of Tilton et al. (US 2003/0008581).

Conclusion

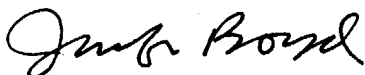
8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Boyd whose telephone number is 571-272-1473. The examiner can normally be reached on Monday thru Friday (8:30am - 6:00pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Boyd

March 16, 2004



Ula C. Ruddock
Primary Examiner
Tech Center 1700